

Message Text

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PAGE 01 BONN 02120 01 OF 02 061902Z

46

ACTION EUR-12

INFO OCT-01 ISO-00 USIE-00 OC-05 CCO-00 SY-05 L-03 SCA-01

CPR-01 SS-15 NSC-05 SP-02 CIAE-00 INR-07 NSAE-00

BIB-01 PA-01 PRS-01 CU-02 EB-07 FBO-02 /071 W

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R 061852Z FEB 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6322

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 02120

DEPARTMENT PASS USIA

E. O. 11652: N/A

TAGS: PDIP, AFSP, ACOM, GW

SUBJECT: OFFICIAL STATUS AMERIKAHAUSES - INSTALLATION

AMERICAN MANUFACTURED EPABX'S

1. EMBASSY HAS BEEN INFORMED BY FRG FONOFF NOTE VERBALE THAT THE FRG MINISTRY FOR POST AND TELECOMMUNICATIONS, AND PROBABLY BY INFERENCE THE FONOFF, DOES NOT CONSIDER "AMERICA HOUSES" (USIS INFORMATION CENTERS) AS FORMING PART OF THE CONSULAR ESTABLISHMENTS OR AS HAVING THEIR STATUS FOR THE PURPOSE OF THE SPECIAL REGULATIONS FOR TELEPHONE EXCHANGES IN DIPLOMATIC MISSIONS AND CONSULAR POSTS. AS A CONSEQUENCE, THE MINISTRY WENT ON TO DENY THE EMBASSY'S REQUEST TO INSTALL AND MAINTAIN AMERICAN MANUFACTURED EPABX TELEPHONE EQUIPMENT IN AMERICA HOUSES AND POINTED OUT THE AVAILABILITY OF EQUIPMENT MANUFACTURED IN GERMANY FROM APPROVED COMMERCIAL FIRMS. THE MINISTRY HAS APPROVED THE TECHNICAL SPECIFICATIONS, INSTALLATION AND MAINTENANCE OF AMERICAN MANUFACTURED TELEPHONE EQUIPMENT IN THE EMBASSY AND CONSULATES GENERAL ON THE BASIS OF RECIPROCITY.

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PAGE 02 BONN 02120 01 OF 02 061902Z

2. ON THE MATTER OF PRIVILEGED STATUS OF THE INFORMATION

CENTERS, THE EMBASSY PROPOSES TO RESPOND THAT CENTERS AT THE PREMISES OF USIS ARE A FUNCTION OF THE DIPLOMATIC/CONSULAR MISSION IN ACCORDANCE WITH ARTICLE 3 AND 4 RESPECTIVELY, OF THE VIENNA CONVENTIONS ON DIPLOMATIC AND CONSULAR RELATIONS, SERVING AS THE PUBLIC AFFAIRS AND CULTURAL ARMS OF THE U.S. DIPLOMATIC MISSION OR CONSULAR POST. HOWEVER, ARTICLES 12 AND 4 OF THE CONVENTIONS, RESPECTIVELY, PROVIDE FOR RECEIVING STATE'S EXPRESS CONSENT PRIOR TO ESTABLISHING OFFICES FORMING PART OF THE MISSION OR CONSULATE IN LOCALITIES OTHER THAN THOSE IN WHICH THE MISSION OR CONSULAR ITSELF IS ESTABLISHED. IN ORDER TO CLEARLY DEFINE THE INSTALLATIONS WE ARE DISCUSSING, THEY ARE THE USIS BRANCH POSTS/INFORMATION CENTERS AT HAMBURG, HANNOVER, COLOGNE, FRANKFURT, STUTTGART, MUNICH AND, BY EXTENSION BUT OF COURSE NOT ON THE SAME LEGAL BASIS, THE AMERICA HOUSE IN WEST BERLIN. (WE ARE NOT REFERRING TO THE GERMAN-AMERICAN INSTITUTES, FORMER USIS AMERICA HOUSES.) USIS BRANCH POST, DUESSELDORF, IS LOCATED IN THE CONSULATE GENERAL. THESE BRANCH POST/INFORMATION CENTERS ARE HEADED BY USIA AMERICAN OFFICERS AND STAFFED BY USIS DIRECT HIRE LOCAL EMPLOYEES, AND REPORT DIRECTLY TO AND RECEIVE THEIR DIRECTION FROM THE COUNSELOR FOR PUBLIC AFFAIRS, THE HEAD OF USIS, AT THE EMBASSY, BONN. THESE OPERATIONS ARE FUNDED FROM USIA'S APPROPRIATION, AND ARE INTEGRAL PARTS OF USIS GERMANY. THE ABSENCE OF DOCUMENTATION GIVING THE FRG HOST STATE'S PRIOR CONSENT COULD WELL BEAR IN THE GERMANS' RESPONSE IN THAT THERE APPARENTLY IS NO FORMAL AGREEMENT OR CONSENT TO THE ESTABLISHMENT OF THE CENTERS IN GERMANY. IF THIS PROVISION IS INVOKED BY THE GERMANS, AMERICA HOUSES SHOULD

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PAGE 01 BONN 02120 02 OF 02 061859Z

46

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BE CONSIDERED EXTENSIONS OF CONSULATES GENERAL UNDER PROVISIONS OF ARTICLE 4 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS IN THOSE CASES WHERE THE LOCALITY OF BOTH IS THE SAME. USIS BRANCH PAOS BASED IN THESE CENTERS ARE ACCREDITED BY THE GERMANS WITH CONSULAR TITLES, WHICH ACCREDITATION ALSO MAY BE CONSTRUED AS PRIMA FACIE EVIDENCE OF GERMAN ACCEPTANCE THAT THESE BRANCH OFFICERS HAVE PRIVILEGED STATUS.

3. THE MATTER OF RECIPROCITY MAY BE REOPENED FROM THE GERMAN SIDE AS THE EMBASSY UNDERSTANDS THE GERMANS HAVE HAD PROBLEMS IN THE UNITED STATES EITHER RELATING TO THE OFFICIAL STATUS OF THEIR GOETHE INSTITUTES OR OTHERWISE. THE DIFFERENCE IN GOVERNMENTAL STATUS OF USIS AND GOETHE INSTITUTES LIKELY WOULD HAVE LITTLE BEARING ON THE GERMAN ATTITUDE CONCERNING THE QUESTION OF RECIPROCITY.

4. THE QUESTION OF PRIVILEGED STATUS OF AMERICA HOUSES COULD, OF COURSE, HAVE FAR-REACHING CONSEQUENCES FOR THEIR FUTURE OPERATIONS AND STATUS OF PERSONNEL ASSIGNED TO THESE BRANCH OFFICES.

5. ACTION REQUESTED: EMBASSY WOULD APPRECIATE GUIDANCE
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PAGE 02 BONN 02120 02 OF 02 061859Z

FOR HANDLING EPABX QUESTION, AND INFORMATION REGARDING POSSIBLE DIFFICULTIES EXPERIENCED BY GOETHE INSTITUTES IN THE U.S.
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